

Misbranding was alleged for the reason that the product was an imitation of and was offered for sale under the distinctive name of another article, to wit, condensed whole milk sweetened.

On November 14, 1931, Sherman White & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled, "Sweetened condensed skim milk," under the supervision of this department and disposed of in conformity with the Federal food and drugs act. The decree further provided that the product might be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it should not be sold or disposed of contrary to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19222. Adulteration and misbranding of grape flavoring sirup. U. S. v. 44 Gallons of Grape Flavoring Sirup. Decree releasing product to be relabeled. (F. & D. No. 26812. I. S. No. 22673. S. No. 4985.)

Examination of samples of sirup from the shipment herein described having shown the product to be an artificially flavored and colored imitation grape concentrate, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 44 gallons of grape flavoring sirup, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped on or about June 12, 1931, by the Joe Lowe Corporation, from Los Angeles, Calif., and had been transported in interstate commerce from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Syrup Grape;" (jugs) "Popsicle * * * Grape Concentrate Artificial Color * * * The Popsicle Corporation of the United States—represented by two exclusive agents, Joe Lowe Corporation, Bush Terminal Bldg., No. 8, Brooklyn, N. Y."

It was alleged in the libel that the article was adulterated in that a substance, an imitation grape concentrate, artificially colored and flavored and containing but a slight trace, if any, of grape juice or flavor, had been substituted for the real article; adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Grape Concentrate" and "Syrup Grape," were false and misleading and deceived and misled the purchaser; and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On August 18, 1931, the Joe Lowe Corporation, Brooklyn, N. Y., appeared and filed a claim and answer, admitting the allegations of the libel and praying release of the product, and deposited a cash bond in the sum of \$440. On August 20, 1931, the court entered an order releasing the product to the claimant, to be relabeled in conformity with the law, said relabeling to be done under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19223. Adulteration and misbranding of scallops. U. S. v. Charles C. Hine (C. C. Hine). Plea of guilty. Fine, \$100. Sentence suspended. (F. & D. No. 26610. I. S. Nos. 28960, 28964.)

Samples of scallops from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Charles C. Hine, trading as C. C. Hine, at Cape Charles, Va., alleging shipment by said defendant in violation of the food and drugs act, in part on or about February 27, 1931, and in part on or about February 28, 1931, from the State of Virginia into the State of New York, of a quantity of scallops that were adulterated and misbranded.

Adulteration was alleged in the information in that an added substance, water, had been mixed and packed with the article so as to reduce and lower

and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that scallop solids, a valuable constituent of the article, had been in part abstracted.

Misbranding was alleged for the reason that the article was composed in part of added, undeclared water and was offered for sale under the distinctive name of another article, to wit, scallops.

On November 16, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$100, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19224. Adulteration and misbranding of scallops. U. S. v. Emory J. Steelman. Plea of guilty. Fine, \$50. Sentence suspended. (F. & D. No. 26571. I. S. Nos. 9859, 15778, 15799.)

Samples of scallops from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Emory J. Steelman, Townsend, Va., alleging shipments by said defendant in violation of the food and drugs act, in various consignments, on or about January 20, 1931, February 25, 1931, and February 26, 1931, from the State of Virginia, in part into the State of Maryland and in part into the State of Massachusetts, of quantities of scallops that were adulterated, and portions of which were also misbranded. Portions of the article were labeled in part: "Scallops."

Adulteration was alleged in the information for the reason that a substance, excessive water, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article had been in part abstracted.

Misbranding was alleged with respect to portions of the article for the reason that the statement, "Scallops," borne on tags attached to the cans containing the article, was false and misleading in that the said statement represented that the article consisted wholly of scallops; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of scallops, whereas it did not so consist but did consist in part of excessive water.

On November 16, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19225. Adulteration of bluefins. U. S. v. 9 Boxes, et al., of Bluefins. Consent decree of condemnation and destruction. (F. & D. No. 27918. I. S. Nos. 43320, 43321. S. No. 5965.)

Samples of bluefins from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 15, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 boxes of bluefins at Pittsburgh, Pa., alleging that the article had been shipped in part on or about March 12, 1932, and in part on or about March 13, 1932, by North Shore Fish & Freight Co., from Duluth, Minn., and had been transported in interstate commerce from the State of Minnesota into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bluefins 100 Lbs."

It was alleged in the libel that the article was adulterated in that the product consisted wholly or in part of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

On March 16, 1932, by consent of the claimant, judgment was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*